

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LESHAWN C. ROGERS,

Petitioner,

vs.

TODD WASMER, Warden of the  
Tecumseh State Correctional Institution;

Respondent.

**8:20CV321**

**MEMORANDUM AND ORDER**

On August 14, 2020, the court advised Petitioner that it would construe his “Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §§ 2241 and 2244” (filing 1) as a petition for writ of habeas corpus under 28 U.S.C. § 2254 if he did not voluntarily withdraw his petition within 30 days and directed Petitioner to file an amended petition for writ of habeas corpus if he decided to allow this action to proceed as one brought pursuant to 28 U.S.C. § 2254. (Filing 3.) Furthermore, the court advised Petitioner that if he failed to respond to the court’s August 14, 2020 Memorandum and Order or file an amended petition within 30 days, then this matter would be dismissed without prejudice and without further notice. To date, Petitioner has not filed an amended petition or taken any other action in this matter.

**IT IS THEREFORE ORDERED that:**

1. The Petition for Writ of Habeas Corpus (filing 1) is denied and dismissed without prejudice. No certificate of appealability has been or will be issued.
2. A separate judgment will be entered.

3. The clerk of the court is directed to update the “Cause” code for this case to a “28:2254 Petition for Writ of Habeas Corpus.”

Dated this 2nd day of October, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge